

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/424,544

Examiner

JEFF PIZIALI

Applicant(s)

INO ET AL.

Art Unit

2629

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 27 August 2009 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other:

The Appellant is thanked for the After-Final Amendment filed on 27 August 2009.

However, if entered, the Appellant's proposed claim amendments would, for example, exclude the previously claimed subject matter of both:

a first "a liquid crystal display" (see line 1 of independent claims 25 and 49 as filed on 26 October 2007); and  
a second "a display" (see line 1 of dependent claims 48 and 55 as filed on 26 October 2007).

The proposed claim amendments, if incorporated into present claim language, would substantially alter inventive scope of the resultant claims, requiring additional search and consideration.

Due to the proposed amendments not being entered, Appellant's arguments are not commensurate in scope with the current claims.

By such reasoning, non-entry of the proposed Amendment (filed on 27 August 2009) is deemed proper and necessary at this time.

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
9 November 2009